

AMENDED IN SENATE JUNE 6, 2005

AMENDED IN ASSEMBLY APRIL 26, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1149

Introduced by Assembly Member La Suer

February 22, 2005

An act to amend Sections 12818 and 13803 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1149, as amended, La Suer. Vehicles: driving reexamination.

(1) Existing law requires the Department of Motor Vehicles, upon receipt of a request for reexamination and presentation of a legible copy of a notice of reexamination by a person issued the notice, upon receipt of a report from a local health officer, or upon receiving certain information from certain family members to reexamine the person's qualifications to operate a motor vehicle, including a demonstration of the person's ability to operate a motor vehicle.

This bill would authorize, instead of require, the department to include in the reexamination a demonstration of the person's ability to operate a motor vehicle.

(2) Under existing law, the department is authorized to investigate a person to determine whether the person's privilege to operate a motor vehicle should be administratively affected when the department receives certain information or the department's records show certain information.

This bill would expressly require the department to order a reexamination of a person described above, which may include a demonstration of the person's ability to operate a motor vehicle.

However, when the information or records indicate that the person has been diagnosed by a physician as suffering from Alzheimer's disease or a related disorder, the bill would require the department to include, in the reexamination, a demonstration of the person's ability to operate a motor vehicle.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12818 of the Vehicle Code, as amended
2 by Section 13 of Chapter 985 of the Statutes of 2000, is amended
3 to read:

4 12818. (a) Upon receipt of a request for reexamination and
5 presentation of a legible copy of a notice of reexamination by a
6 person issued the notice pursuant to Section 21061, the
7 department shall reexamine the person's qualifications to operate
8 a motor vehicle, including a demonstration of the person's ability
9 to operate a motor vehicle as described in Section 12804.9.

10 (b) (1) Upon receipt of information or based on department
11 records under Section 13800 or upon receipt of a report
12 submitted under Section 13803 or subdivision (b) of Section
13 103900 of the Health and Safety Code, the department shall
14 reexamine the person's qualifications to operate a motor vehicle,
15 which may include a demonstration of the person's ability to
16 operate a motor vehicle as described in Section 12804.9.

17 (2) *When the information or records indicate that the person*
18 *has been diagnosed by a physician as suffering from Alzheimer's*
19 *disease or a related disorder, the department's reexamination*
20 *shall include a demonstration of the person's ability to operate a*
21 *motor vehicle as described in Section 12804.9.*

22 (c) Based on the department's reexamination of the person's
23 qualifications pursuant to subdivision (a) or (b), the department
24 shall determine if either of the following actions should be taken:

25 (1) Suspend or revoke the driving privilege of that person if
26 the department finds that any of the grounds exist which
27 authorize the refusal to issue a license.

28 (2) Restrict, make subject to terms and conditions of
29 probation, suspend, or revoke the driving privilege of that person

1 based upon the records of the department as provided in Chapter
2 3 (commencing with Section 13800).

3 (d) As an alternative to subdivision (a) or (b), the department
4 may suspend or revoke the person's driving privilege as provided
5 under Article 2 (commencing with Section 13950) of Chapter 3.

6 (e) Upon request, the department shall notify the law
7 enforcement agency which employs the traffic officer who issued
8 the notice of reexamination described in subdivision (a) of the
9 results of the reexamination.

10 (f) This section shall remain in effect only until January 1,
11 2011, and as of that date is repealed, unless a later enacted
12 statute, that is enacted before January 1, 2011, deletes or extends
13 that date.

14 SEC. 2 Section 13803 of the Vehicle Code is amended to
15 read:

16 13803. (a) The department shall conduct a reexamination,
17 which may include a demonstration of the person's ability to
18 operate a motor vehicle as described in Section 12804.9, to
19 determine whether the driving privilege of a person to operate a
20 motor vehicle should be suspended or revoked, or whether terms
21 or conditions of probation should be imposed upon receiving
22 information from a member of the vehicle operator's family
23 within 3 degrees of consanguinity, or the operator's spouse, who
24 has reached 18 years of age, except that a person may not report
25 the same family member pursuant to this section more than one
26 time during a 12-month period.

27 (b) The report described in subdivision (a) shall state that the
28 person filing the report reasonably and in good faith believes that
29 the operator cannot safely operate a motor vehicle. The report
30 shall be based upon personal observation or physical evidence of
31 a physical or medical condition that has the potential to impair
32 the ability to drive safely, or upon personal knowledge of a
33 driving record that, based on traffic citations or other evidence,
34 indicates an unsafe driver. The observation or physical evidence,
35 or the driving record, shall be described in the report, or the
36 report shall be based upon an investigation by a law enforcement
37 officer.

38 (c) A person who makes a report in good faith pursuant to this
39 section shall not be civilly or criminally liable for making that
40 report.

1 (d) This section shall remain in effect only until January 1,
2 2011, and as of that date is repealed, unless a later enacted
3 statute, that is enacted before January 1, 2011, deletes or extends
4 that date.

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